

attachment of the M/V IMPERIAL SPIRIT under Rule C of the Supplemental Rules of Certain Admiralty and Maritime Claims of the Federal Rules of Civil Procedure.

II. THE PARTIES

Plaintiff Profit Shipping Ltd. (“Profit”) is a foreign corporation, with its principal place of business in London, England. At all times hereinafter mentioned, Profit was the registered owner of the M/T PROFIT.

Plaintiff Genel Denizcilik Nakliyatı A.S. is a foreign corporation with its principal place of business in Istanbul, Turkey and at all times was the Manager of the M/T PROFIT.

In Rem Defendant M/V IMPERIAL SPIRIT, Her Engines, Tackle, Appurtenances, etc., is upon information and belief, a bulk cargo vessel owned by LA DARIEN NAVEGACION S.A, which has and continues to operate in the waters of the United States, and which is now, or will during the pendency of this action be, on the navigable waters of the United States within the jurisdiction of this Court.

In Personam Defendant La Darien Navegacion S.A. is a foreign corporation with its principal place of business in care of Norient Product Pool ApS, and located at Strandvejen 52, 2900 Hellerup, Denmark.

In Personam Defendant Northstar Ship Management Limited is a foreign corporation with its principal place of business located at 20th Floor, Chinaweal Centre 414-424, Jaffe Road, Wan Chai, Hong Kong, China.

III. JURISDICTION

The *in rem* Defendant M/V IMPERIAL SPIRIT is believed to be located in the waters within the Southern District of Texas, and, as such, *in rem* service may be effectuated upon the M/V IMPERIAL SPIRIT by serving a copy of the Verified Complaint and the Warrant for the Seizure on the person in possession of the M/V IMPERIAL SPIRIT and/or its agent.

IV. PLAINTIFFS' CAUSE OF ACTION - NEGLIGENCE

Plaintiffs allege that on or about the early morning hours of May 30, 2013, the M/V IMPERIAL SPIRIT was proceeding in a safety fairway on a southeasterly course when it crossed the bow of the M/T PROFIT at a distance of approximately 1.3 miles. After the IMPERIAL SPIRIT completed this maneuver, it turned to starboard and toward the M/T PROFIT. Despite the M/T PROFIT's evasive maneuvers and multiple attempts to establish communication with the M/V IMPERIAL SPIRIT, the M/V IMPERIAL SPIRIT continued to turn to starboard and collided with the M/T PROFIT at two different points along her hull, causing substantial damage to the M/T PROFIT as a result. Those in charge of the M/V IMPERIAL SPIRIT were navigating the vessel in a

negligent fashion. Said negligence was the proximate cause of the collision and the damages which have been and will be sustained by Plaintiffs.

V.

As a result of this collision, Plaintiffs have sustained substantial damages. At this time, the reasonably stated and realistic damages sustained by Plaintiffs are estimated to be in the amount of \$3,500,000.00, plus interest and costs, and this figure may increase because the precise nature of the damages to the M/T PROFIT has yet to be determined.

VI.

Plaintiffs further allege that the M/V IMPERIAL SPIRIT failed to adhere to statutory regulations, standards, and laws designed to prevent collisions. Plaintiffs therefore invoke the *PENNSYLVANIA* Rule. As such, the Defendants must prove “not merely that [its] fault might not have been the cause [of the damages], or that it probably was not, but that it could not have been.” *The PENNSYLVANIA*, 86 U.S. (19 Wall.) 125, 136 (1983).

WHEREFORE, PREMISES CONSIDERED, Plaintiffs Profit Shipping Ltd. and Genel Denizcilik Nakliyatı A.Ş. pray:

1. That judgment be entered in favor of the Plaintiffs against the M/V IMPERIAL SPIRIT, *in rem*, La Darien Navegacion S.A., *in personam*, and Northstar

Ship Management Limited, *in personam*, for the amount of Plaintiff's claim plus pre-judgment interest, post-judgment interest, and costs;

2. That a Warrant for the arrest of the M/V IMPERIAL SPIRIT may issue, and all persons claiming any interest therein may be called to appear and answer in the matter aforesaid;

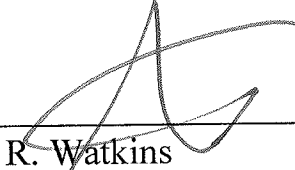
3. That the M/V IMPERIAL SPIRIT be condemned and sold to pay same; and

4. That Plaintiffs may have such other and further relief as this Court and justice may deem just and appropriate under the circumstances of this case.

Respectfully submitted,

ROYSTON, RAYZOR, VICKERY & WILLIAMS, L.L.P.

By: _____



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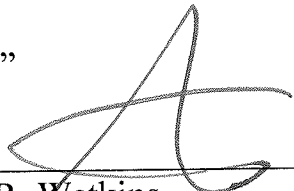
**ATTORNEYS FOR PLAINTIFF
PROFIT SHIPPING LTD. AND
GENEL DENIZCILIK NAKLIYATI A.S.**

OF COUNSEL:

ROYSTON, RAYZOR, VICKERY & WILLIAMS, L.L.P.

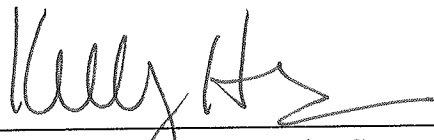
2. He has prepared and read the foregoing Verified Complaint, and it is true and correct to the best of his knowledge, information and belief;
3. The sources of said knowledge, information and belief are his personal investigation and information supplied by Plaintiffs, Profit Shipping Ltd. And Genel Denizcilik Nakliyatı A.S.
4. He is authorized to make this Verification as Plaintiff does not have an officer within this district at this time.

FURTHER AFFIANT SAYETH NOT.”



James R. Watkins

SWORN TO AND SUBSCRIBED BEFORE ME on this the 31th day of May, 2013.



Notary Public in and for the State of Texas

My Commission Expires:

April 9, 2015

